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SENATE

REPORT
100-463

GENERAL ACCOUNTING OFFICE PERSONNEL AMENDMENTS ACT OF 1988

AUGUST 8, 1988.—Ordered to be printed

Mr. GLENN, from the Committee on Governmental Affairs, submitted the following

REPORT

[To accompany H.R. 4318]

The Committee on Governmental Affairs, to which was referred the bill (H.R. 4318) to improve the administration of the personnel systems of the General Accounting Office, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

The purpose of the legislation is to make needed changes in the procedures governing the General Accounting Office (GAO) Personnel Appeals Board, in the provisions governing the Comptroller General's retirement and survivor benefits, and in other provisions of law relating to GAO personnel.

H.R. 4318 would extend the terms of members of the General Accounting Office Personnel Appeals Board and broaden the categories of individuals eligible for membership on the Board. It would eliminate the age 70 retirement "cap" for both the Comptroller General and the Deputy Comptroller General (in accordance with the terms of the 1986 Age Discrimination in Employment Act). It

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would make revisions in the provisions providing for survivor benefits for the Comptroller General to bring them in line with those now being provided for Federal judges. It would authorize 10 additional positions within the GAO payable at rates not exceeding the rate payable for a grade GS–18.

II. Background and Legislative History

H.R. 4318 was introduced on March 30, 1988, by Representative Patricia Schroeder at the request of the General Accounting Office. The Subcommittee on Civil Service held a hearing on April 21, 1988. On April 27, 1988, the Committee on Post Office and Civil Service ordered the bill favorably reported with an amendment. H.R. 4318 passed the House on May 9, 1988, under suspension of the rules.

On May 10, 1988, H.R. 4318 was messaged to the Senate and referred to the Committee on Governmental Affairs. On June 27, 1988, the Committee on Governmental Affairs ordered the bill favorably reported without amendment.

III. Section-by-Section Analysis

Section 1—Short title

Section 1 provides that this Act may be cited as "The General Accounting Office Personnel Amendments Act of 1988".

Section 2—References

Section 2 provides that, except as expressly provided, an amendment to a section or a repeal of a section in the bill refers to a section in title 31, United States Code.

TITLE I—PERSONNEL APPEALS BOARD

Title I makes certain amendments to provisions of law relating to the Personnel Appeals Board, established by section 4 of the General Accounting Office Personnel Act of 1980 (P.L. 96–191).

Section 101—Members

Section 101(a) strikes the requirement that an individual must have three years of full-time or part-time experience in adjudication or arbitrating personnel matters to be eligible for appointment as a member of the Board. This requirement now eliminates from consideration many individuals who have expertise in other areas of personnel law, such as equal employment opportunity. The restriction was written into the law to ensure that members of the board would be neutral decision makers. Eliminating the requirement for arbitration or adjudication experience should not be construed as eliminating the requirement for neutrality and fairness in decision-making.

Section 101(b) deletes a related restriction. Current law provides that the Comptroller General may only appoint to the Board candidates who have been nominated by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters. Section 101(b) substitutes a requirement that the Comptroller General first consider candidates proposed by such organizations, the Comptroller General is free to appoint anyone who

meets the qualifications prescribed in the statute. This change is made because organizations composed primarily of arbitrators and adjudicators are having difficulty locating interested and qualified candidates.

Section 101(c) extends the term of office of members of the Personnel Appeals Board from three years to five years. This change will permit the Board to benefit from having more knowledgeable and experienced members. The three-year term has proven to be too short a period to develop the expertise necessary to handle the variety of cases which come before the Board. Section 101(c) includes certain transitional provisions to extend the terms of those currently serving on the Board while maintaining staggered terms in the future.

Section 102—Pay rates

Section 102(a) adjusts the maximum rate of pay for the General Counsel of the Board from the maximum rate payable for GS-15 to the maximum rate payable for GS-16.

Section 102(b) reinserts the word "payable" in the provision setting the daily rate of pay for members of the Board. The word was dropped when the statute was codified into title 31 in 1982. Due to the way pay caps are legislated, use of the word "payable" eliminates any ambiguity about the rate of pay for members of the Board.

Section 103—Judicial review

Section 103(a) provides that appeals from decisions of the General Accounting Office Personnel Appeal Board shall be made to the United States Court of Appeals for the Federal Circuit, rather than to the Court of Appeals for the District of Columbia or for the circuit in which the petitioner resides. This conforms witht he appeals procedure applicable to decisions of the Merit Systems Protection Board under the Federal Courts Improvement Act (P.L. 97-164) and should lead to more consistency in judicial decisions involving Federal personnel matters.

Section 103(b) provides that the Court of Appeals may award attorney's fees to prevailing employees or applicants in appeals from Board decisions involving discrimination complaints. This clarifies legislative intent that fees in accordance with section 706(k) of the Civil Rights Act of 1964 may be paid in cases appealed from the GAO Personnel Appeals Board.

Section 103(c) provides that the amendments made by sections 103(a) and 103(b) shall not apply to any appeal pending on the date of enactment of this Act.

TITLE II—RETIREMENT AND ANNUITIES

Title II makes certain changes in the annuity and survivor benefits for the Comptroller General. These changes bring the survivor benefits available to these individuals into conformance with recent changes in survivor benefits for Federal judges. The special retirement provisions cover only the Comptroller General.

Section 201—Eligibility requirements for retirement

Section 201 deletes the mandatory retirement age of 70 and substitutes language permitting the Comptroller General or Deputy Comptroller General to retire at age 70 after completing at least 10 years of service as Comptroller General of Deputy Comptroller General.

Section 202—Definitions

Section 202(a) expands the definition of dependent child, for purposes of survivor benefits, to include a child between age 18 and 22 who is enrolled full-time in school. Section 202(b)(1) permits qualification as a surviving spouse after 1 year of marriage instead of 2 years as required under current law. Section 202(b)(2) changes the prohibition on payment of a survivor's annuity to a remarried surviving spouse. Under current law, remarriage before age 60 terminates eligibility. Section 202(b)(2) reduces the age to 55.

Section 203—Annuity of the Comptroller General

Section 203(1) amends section 772 of title 31 to conform with the change made by section 201 relating to the retirement age of the Comptroller General. Section 203(2) amends the Comptroller's election of coverage provision to include a reference to the Federal Employee's Retirement System (FERS), as well as the Civil Service Retirement System (CSRS).

Section 204—Election of survivor benefits

Section 204(1) increases the reduction in the Comptroller General's annuity from 4.5 percent to 5 percent when the Comptroller General elects to provide a survivor annuity. This increased deduction reflects the more generous survivor benefit formula provided under section 205 of the bill. Section 204(2) clarifies that the rate of interest charged on deposits by the Comptroller General for prior creditable service which is used in determining the survivor's benefit is 3 percent, not 4.5 percent. Section 204(3) provides that the reduction in the Comptroller General's annuity to provide a survivor's annuity shall terminate in the event the spouse predeceases the Comptroller General.

Section 205—Survivor annuities

Section 205(1) reduces from 5 years to 18 months the period of required civilian service prior to a death in service in order for a survivor to be entitled to an annuity. Section 205(2) provides a more generous formula for computing a survivor benefit for a dependent child. Section 205(3) increases the multiplier used in computing the annuity for a surviving spouse from 1.25 percent to 1.5 percent. Section 205(4) creates a new floor of 25 percent and raises the ceiling from 40 percent to 50 percent for the annuity of a surviving spouse when measured against the average annual pay of the Comptroller General.

Section 206—Payment of survivor benefits

Section 206(1) amends section 776(b) of title 31, United States Code, to reflect the amendments made by section 202(b) and section 202(a).

Section 207—Annuity increases

Section 207 amends section 777 of title 31, United States Code, to provide that an annuity payable under subchapter V of chapter 7 of title 31 shall be increased at the same time and by the same percent as civil service retirement annuities are increased under section 8340(b) of title 5, United States Code. Section 207 amends section 777 also to provide that the annuity of a retired Comptroller General may not exceed the basic pay of the current Comptroller General. In addition, the amendment makes clear that the survivor's annuity may be increased under section 777 without regard to the 50-percent ceiling established in section 774(e).

Section 208—Effective date

Section 208 provides that the changes in the Comptroller General's retirement system take effect 60 days after the date of enactment. However, any individual who on such date of enactment is receiving an annuity under subchapter V of chapter 7 of title 31 may make an election without the 60-day period to retain coverage under the prior provisions of the law.

TITLE III—MISCELLANEOUS PROVISIONS

Section 301—Prevailing rate employees

Section 301 amends section 5349(a) of title, 5, United States Code, to include prevailing rate employees of the General Accounting Office within the pay provisions applicable to other legislative branch prevailing rate employees.

Section 302—Maximum number of positions payable at GS–18

Section 302 increases by 10 the number of positions in the General Accounting Office which may be paid at rates not exceeding the rate payable for grade GS–18 of the General Schedule.

Section 303—Technical and conforming amendments

Section 303, as amended by the committee, amends section 732(c)(3) of title 31 to clarify that prevailing rate employees of the General Accounting Office do not receive the annual General Schedule pay admustments.

IV. Regulatory Impact

Pursuant to paragraph 11(b)(1) of rule XXVI of the standing rules of the Senate, the Committee concludes that enactment of H.R. 4318 will have no regulatory impact.

V. Cost Estimate of Legislation

Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office (CBO) has reviewed the cost impli-

cations of H.R. 4318. The following is CBO's estimate of the potential costs of this legislation:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 20, 1988.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs,
US Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 4318, the General Accounting Office Personnel Amendments Act of 1988, as ordered reported by the Senate Committee on Governmental Affairs, June 27, 1988.

The act would make minor changes in the pay and benefits of certain employees at the General Accounting Office. We estimate that if this act were to become law, it would result in additional costs of less than $100,000 annually.

Enactment of H.R. 4318 would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is James Hearn, who can be reached at 226-2860.

Sincerely,

JAMES L. BLUM,
Acting Director.

VI. CHANGES IN EXISTING LAW

In accordance with Rule XXVI of the Standing Rules of the Senate, changes in existing law that would be made by the bill, as reported, are as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 31, UNITED STATES CODE

* * * * * * *

Subtitle I—General

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CHAPTER 7—GENERAL ACCOUNTING OFFICE

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Subchapter I—Definitions and General Organization

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§ 703. Comptroller General and Deputy Comptroller General

(a) * * *

* * * * * * *

(e)(1) A Comptroller General or Deputy Comptroller General [retires on becoming 70 years of age.] *may retire after becoming 70 years of age and completing 10 years of service as Comptroller General or Deputy Comptroller General (as the case may be).* Either may be removed at any time by—

(A) impeachment; or

(B) joint resolution of Congress, after notice and an opportunity for a hearing, only for—

(i) permanent disability;

(ii) inefficiency;

(iii) neglect of duty;

(iv) malfeasance; or

(v) a felony or conduct involving moral turpitude.

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Subchapter III—Personnel

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§ 732. Personnel management system

(a) * * *

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(c) Under the personnel management system—

(1) the Comptroller General shall publish a schedule of basic pay rates for officers and employees of the Office;

(2) except as provided in clause (4) of this subsection and section 733(a)(3)(A) of this title, the highest basic pay rate under the pay schedule may not be more than the highest basic rate for GS–15;

(3) except as provided [in section 733(a)(3)(B) of this title] *under section 733(a)(3)(B) of this title or section 5349(a) of title 5,* basic pay rates of officers and employees of the Office shall be adjusted at the same time and to the same extent as basic pay rates of the General Schedule are adjusted;

(4) the pay schedule for officers and employees of the Office may provide that the basic pay rates for not more than [119] *129* positions may be at rates not more than the highest rate for GS–18,] *the rate of basic pay payable for grade GS–18 of the General Schedule,* less the number of positions in the General Accounting Office Senior Executive Service under section 733 of this title (except positions included in the Service under section 733(c) of this title); and

* * * * * * *

Subchapter IV—Personnel Appeals Board

§ 751. Organization

(a) The General Accounting Office has a General Accounting Office Personnel Appeals Board. The Board is composed of 5 members appointed by the Comptroller General. An individual may be appointed only if the individual—

[(1) has three years full-time or part-time experience in adjudicating or arbitrating personnel matters;]

[(2)] *(1)* is not a current or former officer or employee of the Office;

[(3)] *(2)* has the demonstrated ability, background, training, and experience necessary to be qualified specially to serve on the Board; and

[(4)] *(3)* demonstrates a capacity and willingness to devote sufficient time to dispose of cases in a timely way.

(b) The Comptroller General shall appoint members only—

[(1) from a written list of candidates, submitted to the Comptroller General in a way and at the time the Comptroller General requires, by any organization the Comptroller General believes is composed primarily of individuals experienced in adjucating or arbitrating personnel matters; and] *(1) after considering any candidates who are recommended to the Comptroller General (at such time and in such manner as the Comptroller General requires) by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters; and:*

* * * * * * *

(c) [The] *Except as provided in paragraph (2), the* term of a member of the Board is [3] *5* years. A member may not be reappointed. An individual appointed to fill a vacancy occurring before the expiration of a term of office is appointed for the remainder of the term. However, if the unexpired part of a term is less than one year, the Comptroller General may appoint an individual for a [3] *5* year term plus the unexpired part of the term. When the term of a member ends, the member may continue to serve until a successor takes office of for 6 months after the term expires, whichever earlier.

(2)(A) The term of a member serving on the date of the enactment of the General Accounting Office Personnel Amendments Act of 1988 shall be as follows:

(i) Of the 2 members appointed in 1985, the term of 1 such member shall be 5 years, and the term of the other such member shall be 6 years.

(ii) Of the 2 members appointed in 1986, the term of 1 such member shall be 6 years, and the term of the other member shall be 7 years.

(iii) The term of the member appointed in 1987 shall be 7 years.

(B) Within 60 days after the date referred to in subparagraph (A), the Comptroller General shall determine—

(i) with respect to the members under subparagraph (A)(i), which will have a term of 5 years and which will have a term of 6 years; and

(ii) with respect to the members under subparagraph (A)(ii), which will have a term of 6 years and which will have a term of 7 years.

(C) A term established for a member under this paragraph shall be measured—

(i) from the date on which the member was originally appointed; or

(ii) in the case of a member serving for the unexpired portion of a term, from the appointment date of the individual who was originally appointed to serve for such term:

* * * * * * *

(e) [While carrying out a member's duties (including travel), a member who is not an officer or employee of the United States Government is entitled to pay at a rate equal to the daily rate for GS–18.] *While carrying out a member's duties (including travel), a member who is not an officer or employee of the United States Government is entitled to basic pay at a rate equal to the daily rate of basic pay payable for grade GS–18 of the General Schedule.* Each member is entitled to travel expenses and per diem allowances under section 5703 of title 5.

§ 752. Chairman and General Counsel

(a) The General Accounting Office Personnel Appeals Board shall select one of its members as Chairman. The Chairman is the chief executive and administrative officer of the Board.

(b)(1) The Comptroller General shall appoint as General Counsel of the Board an individual the Chairman selects. The General Counsel serves at the pleasure of the Chairman.

(2) The Chairman shall fix the pay of the General Counsel. [The annual rate of basic pay of the General Counsel may be not more than the maximum rate for GS–15.] *The rate of basic pay of the General Counsel may be not more than the maximum rate of basic pay payable for Grade GS–16 of the General Schedule.*

* * * * * * *

§ 755. Judicial review

(a) A final decision under section 753(a) (1)–(3), (6) or (7) of this title may be reviewed by the United Stated Court of Appeals for the [District of Columbia Circuit or by the court of appeals of the United States for the circuit in which the petitioner resides.] *Federal Circuit.* Chapter 158 of title 28 applies to a review under this subchapter, except the petition for review shall be filed by the 30th day after the petitioner receives notice of the decision. The court shall set aside a final decision the court decides is—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(b) If an officer, employee, or applicant for employment is the prevailing party in a proceeding under this section and the decision is based on a finding of discrimination prohibited under section 732(f) of this title, attorney's fees may be allowed by the court in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964.

Subchapter V—Annuities

§ 771. Definitions

In this subchapter—

(1) "dependent child" means an unmarried dependent child (including a stepchild or adopted child) who is—

(A) under 18 years of age; [or]

(B) incapable of self-support because of physical or mental disability[.]; *or*

(C) between 18 and 22 years of age and is a student regularly pursuing a full-time course of study or training in residence in a high school trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. For the purposes of this subchapter, a child whose 22nd birthday occurs before July 1 or after August 31 of a calendar year, and while such child is regularly pursuing such a course of study or training, is deemed to have become 22 years of age on the first day of July after that birthday. A child who is a student is deemed not to have ceased to be a student during an interim period between school years if the interim period is not more than 5 months and if such child shows to the satisfaction of the General Counsel of the General Accounting Office that such child has a bona fide intention of continuing in the same or a different school during the school semester (or other period into which the school year is divided) immediately after the interim period.

(2) "surviving spouse" means a surviving spouse of an individual who was a Comptroller General or retired Comptroller General and the spouse—

(A) was married to the individual for at least [2 years] *1 year* immediately before the individual died; or

(B) has not remarried *before age 55* and is the parent of issue by the marriage.

(3) service as a Comptroller General equals the number of years and complete months an individual is Comptroller General.

§ 772. Annuity of the Comptroller General

(a) Except as provided in subsection (c) of this section, a Comptroller General serving a complete term as Comptroller General or who [is retired for age under section 703(e)(1) of this title after serving at least 10 years] *retires under section 703(e)(1) of this title* is entitled to receive an annuity for life equal to the pay the Comptroller General is receiving on completion of the term or at the time or retirement. An annuity of a Comptroller General who completes a term before becoming 65 years of age is reduced by .25 percent for each complete month the Comptroller General is under 65 years of age.

* * * * * * *

(c) A Comptroller General who, when appointed, is or has been subject to [subchapter III of chapter 83 of title 5 remains subject to subchapter III] *subchapter III of chapter 83 or chapter 84 of title 5 remains subject to such subchapter III or such chapter 84 (as the case may be)* unless the Comptroller General elects in writing to receive an annuity under this section. An election is irrevocable and must be made within 10 years and 60 days after the start of service

as Comptroller General. A Comptroller General electing to receive an annuity under this section is entitled to a refund of the lump-sum credit to the account of the Comptroller General in the Civil Service Retirement and Disability Fund.

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§ 773. Election of survivor benefits

(a) * * *

(b) A Comptroller General electing to provide survivor benefits shall—

(1) have 4.5 percent of the pay received as Comptroller General and *5 percent of the* annuity of the Comptroller General deducted; and

(2) deposit with the General Accounting Office for redeposit in the Treasury as miscellaneous receipts—

(A) 4.5 percent of the pay and annuity received as Comptroller General before the deductions begin;

(B) 4.5 percent of basic pay received as a member of Congress or for other civilian service on which a surviving spouse's annuity is computed under section 774(d) of this title: and

(C) 4 percent interest before January 1, 1948, and **[**4.5**]** *3* percent interest after December 31, 1947, compounded every December 31, on amounts deposited.

* * * * * * *

(d) The reduction in the Comptroller General's annuity under subsection (b)(1) for the purpose of providing survivor benefits shall be terminated for each full month after the death of the spouse.

§ 774. Survivor annuities

(a) * * *

(b) A survivor annuity shall be paid under this subchapter when a Comptroller General—

(1) makes an election under section 773 of this title;

(2) dies in office or while receiving an annuity under section 772 of this title;

(3) had at least **[**5 years**]** *18 months* of civilian service at death computed under subsections (a) and (d) of this section; and

(4) had deductions or deposits under section 773 of this title made for the **[**5 years**]** *18 months* of civilian service.

(c) If the Comptroller General or retired Comptroller General is survived—

(1) only by a spouse, the surviving spouse shall receive an annuity computed under subsection (d) of this section beginning on the death of the Comptroller General or retired Comptroller General or when the spouse is 50 years of age, whichever is later;

[(2) by a spouse and a dependent child, the surviving spouse shall receive an immediate annuity under subsection (d) of this section and each dependent child shall receive an immediate annuity equal to the smaller of—

[(A) $1,548; or

[(B) $4,644 divided by the number of dependent children; or

[(3) only by a dependent child, each dependent child shall receive an immediate annuity equal to the smaller of—

[(A) the annuity a surviving spouse would be entitled to receive under clause (2) of this subsection divided by the number of dependent children;

[(B) $1,860; or

[(C) $5,580 divided by the number of dependent children.]

(2) by a spouse and a dependent child, the surviving spouse shall receive an immediate annuity computed under subsection (d) of this section and each dependent child shall receive an immediate annuity equal to the smaller of—

(A) 10 percent of the average annual pay computed under subsection (d)(1) of this section; or

(B) 20 percent of the average annual pay computed under subsection (d)(1) of this section, divided by the number of dependent children; or

(3) only by a dependent child, each dependent child shall receive an immediate annuity equal to the smaller of—

(A) the annuity a surviving spouse would be entitled to receive under clause (2) of this subsection, divided by the number of dependent children;

(B) 20 percent of the average annual pay computed under subsection (d)(1) of this section; or

(C) 40 percent of the average annual pay computed under subsection (d)(1) of this section, divided by the number of dependent children.

(d) The annuity of a surviving spouse is equal to—

(1) [1.25] *1.5* percent of the average annual pay (based on the 3 years of highest pay received as Comptroller General and other prior allowable service) times—

(A) the number of years of—

(i) service as Comptroller General or a member of Congress; and

(ii) prior allowable military service; and

(B) not more than 15 years of prior allowable service as a congressional employee; plus

* * * * * * *

(e) [A surviving spouse's annuity may not be more than 40 percent of the average annual pay computed under subsection (d)(1) of this section.] *A surviving spouse's annuity may not be more than 50 percent nor less than 25 percent of the average annual pay computed under subsection (d)(1) of this section.* If a Comptroller General does not make the deposit under section 773(b) of this title, a surviving spouse's annuity shall be credited with the service during which a deposit was not made, unless the spouse elects not to have the service credited. However, the annuity shall be reduced by 10

percent of the amount of the unpaid deposit, computed on the date the Comptroller General or retired Comptroller General dies.

* * * * * * *

§ 776. Payment of survivor benefits

(a) An annuity under section 774 of this title accrues monthly and is paid monthly on the first business day of the month after the month in which an annuity accrues.

(b)(1) A surviving spouse's annuity ends when the spouse remarries *before age 55* or dies.

(2) A dependent child's annuity ends when the child becomes 18 years of **[**age,**]** *age (unless the child is then a student as described in section 771(1)(C) of this title),* marries, or dies, whichever is earliest. However, if a child is not self-supporting because of a physical or mental disability, an annuity ends when the child recovers, marries, or dies.

* * * * * * *

[§ 777. Annuity increases

[(a) The Comptroller General shall compute—

[(1) on January 1 of each year, or within a reasonable time after January 1, the percent change in the Consumer Price Index between June and December of the prior year; and

[(2) on July 1 of each year, or within a reasonable time after July 1, the percent change in the Index between June of the same year and December of the prior year.

[(b) If a percent change computed under subsection (a)(1) of this section indicates a rise in the Index, an annuity payable under this subchapter and beginning before March 2 shall increase on March 1 by the percent change computed under subsection (a)(1), adjusted to the nearest .1 percent. If a percent change computed under subsection (a)(2) of this section indicates a rise in the Index, an annuity payable under this subchapter and beginning before September 2 shall increase on September 1 by the percent change computed under subsection (a)(2), adjusted to the nearest .1 percent.

[(c)(1) An increase under this section may not be more than an increase prescribed under section 8340(b) of title 5.

[(2) An annuity under section 772 of this title may not be more than the basic pay of the Comptroller General.**]**

§ 777. Annuity increases

(a) An annuity payable under this subchapter shall be increased at the same time that, and by the same percent as the percentage by which, annuities are increased under section 8340(b) of title 5.

(b) An annuity under section 772 of this tite may not be more than the basic pay of the Comptroller General. A surviving spouse's annuity may be increased under this section without regard to any limitation set forth in section 774(e) of this title.

* * * * * * *

Section 5349 of Title 5, United States Code

§ 5349. Prevailing rate employees; legislative, judicial, Bureau of Engraving and Printing, and government of the District of Columbia

(a) The pay of employees, described under section 5102(c)(7) of this title, in the Administrative Office of the United States Courts, the Library of Congress, the Botanic Garden, the Government Printing Office, *the General Accounting Office,* the Office of the Architect of the Capitol, the Bureau of Engraving and Printing, and the government of the District of Columbia, shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and in accordance with such provisions of this subchapter, including the provisions of section 5344, relating to retroactive pay, and subchapter VI of this chapter, relating to grade and pay retention, as the pay-fixing authority of each such agency may determine. Subject to section 213(f) of title 29, the rates may not be less than the appropriate rates provided for by section 206(a)(1) of title 29. If the pay-fixing authority concerned determines that the provisions of subchapter VI of this chapter should apply to any employee under his jurisdiction, then the employee concerned shall be deemed to have satisfied the requirements of section 5361(1) of this title if the tenure of his appointment is substantially equivalent to the tenure of any appointment referred to in such paragraph.

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